

**BOARD OF APPEALS CASE NO. 5159**

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**BEFORE THE**

**APPLICANTS: David & Lisa Cosentino**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to permit 2 lots on a  
panhandle in the R2 District; 627 Trimble  
Road, Joppa**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 8/3//01 & 8/8/01**

**HEARING DATE: September 12, 2001**

**Record: 8/3/01 & 8/10/01**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicants, David and Lisa Cosentino, are requesting a variance to the provisions of Section 267-22G(1) of the Harford County Code, to allow more than one (1) lot (two lots proposed) intended for detached dwellings to be panhandle lots in the R2 Urban Residential District.

The subject parcel is located at 627 Trimble Road, Joppa, Maryland 21085 and is more particularly identified on Tax Map 65, Grid 4b, Parcel 621. The subject parcel consists of 2.09 acres (0.54 acres per panhandle), is presently zoned R2 Urban Residential District and is entirely within the First Election District.

Mr. Robert Rosenberger appeared and qualified as an expert civil engineer with particular knowledge of storm water and lot design. Mr Rosenberger described the property in its entirety and discussed a 5 lot design (Exhibit 9) and the proposed 4 lot design, the subject of this variance request. The witness indicated that there were townhouses located to the south of the parcel and that the parcel has adequate storm water capacity. Although this property could be developed as a 5 lot cul-de-sac configuration, the 4 lot panhandle configuration reduces the wooded area disturbance by 18,000 square feet. Additionally, the panhandle configuration provides a single access point to Trimble Road and a substantial buffer is maintained. According to the witness, the parcel is unique because of its large area of forestation within a surrounding area of intense development.

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Mr. Anthony McClune appeared and testified on behalf of the Department of Planning and Zoning. The Department, according to Mr. McClune, agrees with the Applicant that the parcel is unique. The property is surrounded by fairly intense development yet is a heavily forested parcel. The panhandle configuration serves to conserve much of this forestation by eliminating substantial clearing necessary if the parcel were developed without the variance. Additionally, a larger buffer will be maintained as a result of the approval of this request. The Department pointed out that approval would result in a private road and not a public road with its attendant costs of construction and future maintenance. In conclusion, Mr. McClune said that the variance, if granted, would result in a much better design and would be more consistent with environmental considerations and good planning and zoning practice. Mr. McClune stated that there would be far less impact from this proposal than one without the variance requested allowed as a matter of right.

While a number of protestants appeared and cross examined the witnesses, nobody appeared and offered direct testimony in opposition to the subject request.

### **CONCLUSION:**

The Applicants, David and Lisa Cosentino, are requesting a variance to the provisions of Section 267-22G(1) of the Harford County Code, to allow more than one (1) lot (two lots proposed) intended for detached dwellings to be panhandle lots in the R2 Urban Residential District.

Section 267-22G(1) of the Harford County Code provides:

“Except in Agricultural and Rural Residential Districts, with regard to any parcel, as it existed on September 1, 1982, not more than one (1) lot or five percent (5%) of the lots intended for detached dwellings, whichever is greater, and not more than ten percent (10%) of the lots intended for attached dwellings may be panhandle lots.”

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**Harford County Code Section 267-11 permits variances and provides:**

**"Variances from the provisions or requirements of this Code may be granted if the Board finds that:**

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."**

**The Hearing Examiner finds that the subject parcel is unique in that it is densely forested, rectangular in shape, and is bordered by the Joppa Woods development on three sides. While the Applicant could, as a matter of right, develop this lot via a public cul-de-sac with 5 lots, the 4 lot panhandle lot proposed is far more friendly to the environment, conserving 18,000 square feet of forest. Additionally the impacts of a 4 lot configuration are far less than a 5 lot configuration in terms of services, traffic and road maintenance. The proposal will result in a private road construction and avoids the cost of a public road and the future cost of maintenance associated therewith.**

**The Hearing Examiner agrees that the proposal reduces impacts and recommends approval of the request.**

**Date   OCTOBER 15, 2001**

**William F. Casey  
Zoning Hearing Examiner**